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STATE OF DELAWARE
BOARD OF PHARMACY

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PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, October 15, 2014 9:30 am
PLACE:	Conference Room A, 2 nd Floor Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
APPROVED:	November 19, 2014

MEMBERS PRESENT

Kenneth Sellers, Public Member, President
Susan Esposito, R.Ph., Professional Member, Vice President
Kimberly Robbins, R.Ph., Professional Member
Bonnie Wallner, R.Ph., Professional Member
Joli Martini, R.Ph., Professional Member
Tejal Patel, PharmD, Professional Member
Jay Galloway, Public Member

MEMBERS ABSENT

David W. Dryden, R.Ph., J.D., Executive Secretary

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Christine Mast, Administrative Specialist III
Michelle McCreary, Pharmacist Compliance Officer

ALSO PRESENT

Don Holst
Ann Campagna
Jaime Frink
Nancy Sawyer
Dot Haig
Nina Bord
Jenn Sharp
Ryan Majchrzak
Jill Spivey
Jeanne Chiquoine
Cheryl Heiks
Abhishek De

CALL TO ORDER

Mr. Sellers called the meeting to order at 9:33 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Wallner, seconded by Ms. Esposito, to approve the meeting minutes for September 17, 2014; Ms. Martini abstained. The motion unanimously carried.

PRESIDENT'S REPORT

Mr. Seller's reported there is a NABP training "Revitalizing Partnerships for Collaboration" being offered December 2-3, 2014, a motion was made by Mr. Wallner and seconded Ms. Esposito to send Tejal Patel to the training, the motion carried unanimously. Mr. Sellers will be shadowing Michelle McCreary, Pharmacist Compliance Officer, during a routine inspection in the future.

UNFINISHED BUSINESS

Complaint Status

13-03-11 – Assigned to Hearing Officer
13-09-11 – Assigned to Hearing Officer
13-12-11 – Forwarded to Office of Attorney General
13-19-11 – Forwarded to Office of Attorney General
13-09-12 – Assigned
13-01-13 – Forwarded to Office of Attorney General
13-02-13 – Assigned
13-03-13 – Assigned
13-04-13 – Forwarded to Office of Attorney General
13-05-13 – Assigned
13-06-13 – Forwarded to Office of Attorney General
13-07-13 – Assigned
13-08-13 – Assigned
13-09-13 – Assigned
13-11-13 – Forwarded to Office of Attorney General
13-13-13 – Forwarded to Office of Attorney General
13-14-13 – Assigned
13-15-13 – Assigned
13-16-13 – Assigned
13-17-13 – Assigned
13-18-13 – Assigned
13-19-13 – Assigned
13-20-13 – Assigned
13-21-13 – Assigned
13-22-13 – Assigned
13-23-13 – Assigned
13-24-13 – Assigned

Re-Review of Proposal to Deny

Walgreens Pharmacy Services, Midwest additional application documents were received and the application was re-reviewed, a motion was made by Ms. Robbins, seconded by Ms. Esposito. Ms. Patel abstained to approve the application. The motion unanimously carried.

Proposal to Deny Hearing

Concierge Compounding Pharmacy requested to reschedule the hearing. A motion was made by Ms. Martini, seconded by Ms. Wallner, to reschedule the hearing date for the next scheduled meeting. This will be the final accommodation made for the hearing. The motion carried unanimously.

Re-Review of Tabled Applications

Wellgistics, LLC. a motion was made by Ms. Martini, seconded by Ms. Wallner, to approve the application. The motion unanimously carried.

McKesson Medical Surgical (Kansas City, MO.) a motion was made by Ms. Robbins, seconded by Ms. Martini, to approve the application. The motion unanimously carried.

Final Denial of Application

Harshadrai Patel, Pharmacist Application; a motion was made by Ms. Robbins, seconded by Ms. Martini, to Final Deny the application. The motion unanimously carried.

Cyril J Okadigwe, Pharmacist Application; a motion was made by Ms. Martini, seconded by Ms. Esposito, to Final Deny the application. The motion unanimously carried.

Sterile Compounding Pharmacy, Non-Resident Pharmacy Application; a motion was made by Ms. Robbins, seconded by Ms. Esposito, to Final Deny the application. The motion unanimously carried.

Review of Practitioner/Pharmacy Ownership

No Report

Re-Review of CPR Course – Emergency University, Ca.

Mr. Galloway reported that he had been in contact with Emergency University however; they have not returned his calls for additional information. A motion was made by Ms. Esposito, seconded by Ms. Robbins to draft a letter from the board stating the questions and concerns to solicit a response. The motion carried unanimously. The board asked that this agenda item remain until information requested is received for review.

NEW BUSINESS

Mr. Sellers read into the record the following ratifications.

Pharmacist and Intern Licensure Approval Ratifications

Pharmacist:

A1-0004686 Abimbola O. Ogunsemowo
A1-0004687 Richard A. Kwabeng
A1-0004688 Abubeker M. Aliye
A1-0004690 William M. Glenn
A1-0004689 Mina Lee
A1-0004691 Frances E. Ulmer
A1-0004692 Ridhi Mehta
A1-0004693 Laura A. Garza

A motion was made by Ms. Robbins, seconded by Ms. Martini to approve the ratification of the Pharmacist applications. The motion unanimously carried.

Pharmacist Intern:

A7-0002377 Joseph Anthony Mauro
A7-0002378 Colleen Olivia D'Amico

A motion was made by Ms. Robbins, seconded by Ms. Martini to approve the ratification of the Pharmacist applications. The motion unanimously carried.

Non-Resident Pharmacy Licensure Approval Ratifications

A9-0001510 Wright Specialty Pharmacy & Diabetic Supply LLC,
A9-0001506 Burman's Media Pharmacy, LLC
A9-0001508 Mack Bayou Pharmacy, LLC
A9-0001507 Gatti Compounding Pharmacy
A9-0001509 AMI Rx

A9-0001512 Exact Care Pharmacy, LLC
A9-0001513 KV Supply, LLC
A9-0001514 Coast Quality Pharmacy, LLC DBA Anazaohealth
A9-0001511 Genoa Healthcare, LLC
A9-0001517 Auxilium Specialty Apothecary Pharmacy
A9-0001516 Arriva Medical LLC
A9-0001515 Caprock Discount Drug
A9-0001518 MedWorx Compounding LLC
A9-0001519 Thrift Pharmacy Inc
A9-0001522 Rite Care Pharmacy
A9-0001524 PMOA Inc.
A9-0001523 Ambulatory Care Pharmacy
A9-0001521 Ideal Specialty Apothecary
A9-0001520 UMMS Pharmacy Services
A9-0001525 Edge Pharmacy Services, LLC

A motion was made by Ms. Esposito, seconded by Ms. Martini to approve the ratification of the Non-Resident Pharmacy applications. The motion unanimously carried.

Wholesale Distributor Licensure Approval Ratifications

A4-0002122 3M ESPE Dental Products (A Division of 3M Company)
A4-0002121 Smith Medical Partners, LLC

A motion was made by Ms. Esposito, seconded by Ms. Martini to approve the ratification of the Wholesale Distributor applications. The motion unanimously carried.

Medical Gas Dispensers

None

Retail Pharmacy Licensure Approval Ratification

A3-0000971 ShopRite Pharmacy #588
A3-0000972 Walgreens #15632
A3-0000974 NAI Saturn Eastern LLC dba Safeway Pharmacy #2706
A3-0000973 NAI Saturn Eastern LLC dba Safeway Pharmacy #1763

A motion was made by Ms. Esposito, seconded by Ms. Patel to approve the ratification of the Retail Pharmacy applications. The motion unanimously carried.

Retail Pharmacy Temporary Licensure Approval Ratification

A3-T000017 Target Store T-1146

A motion was made by Ms. Esposito, seconded by Ms. Patel to approve the ratification of the Retail Pharmacy Temporary applications. The motion unanimously carried.

Pharmacist-In-Charge Interviews

Ms. Robbins conducted a PIC interviews with:

Ryan Majchrzak, BayHealth, Milford Memorial Hospital
Jennifer Sharp, Walmart Georgetown, De

Consultant Pharmacist Interviews

None

Board Review and Consideration of Consent Agreement

None

Review of Applications by DAG

Pharmacy board DAG Eileen Kelly provided guidance on the following disciplinary actions for applications received followed by the board ruling:

Facility: Advantage Pharmacy, LLC a motion was made by Ms. Robbins, seconded by Ms. Patel to deny the application. Mr. Galloway opposed. The motion carried.

Facility: North Beaches Pharmacy a motion was made by Ms. Martini, seconded by Ms. Esposito, to approve the application. The motion unanimously carried.

Facility: Promptcare Home Infusion a motion was made by Ms. Robbins, seconded by Ms. Esposito, to table the application. The motion unanimously carried.

Facility: Glen Rock Medical Pharmacy a motion was made by Ms. Robbins, seconded by Ms. Wallner, to propose to deny the application. The motion unanimously carried.

Facility: Bausch & Lomb, Inc. (Lynchburg, VA.) a motion was made by Mr. Galloway, seconded by Ms. Wallner, to approve the application. The motion unanimously carried.

Facility: Bausch & Lomb, Inc. (Greenville, SC.) a motion was made by Mr. Galloway, seconded by Ms. Wallner, to approve the application. The motion unanimously carried.

Facility: Bausch & Lomb, Inc. (Tampa, FL.) a motion was made by Mr. Galloway, seconded by Ms. Wallner, to approve the application. The motion unanimously carried.

Facility: Atlas Drug a motion was made by Ms. Martini, seconded by Ms. Esposito to deny the application. Mr. Galloway opposed. The motion carried.

Pharmacist: Robert Mullin, a motion was made by Ms. Martini, seconded by Ms. Esposito, to approve the application. The motion unanimously carried.

CE Approval Requests

None

COMMITTEE REPORTS

Legislative – Joli Martini, Jay Galloway, Kim Robbins, Tejal Patel and David Dryden

Ms. Esposito reminded the board that any proposed legislative changes for the up and coming legislative session must be presented to the Division of Professional Regulations Director, David Mangler in a completed form by mid-November. Ms. Kelly stated she is working on some administrative corrections to be presented during the next board meeting. The board has requested that Ms. Kelly also provide the board with information regarding applicable fines and citation available in the statute.

Continuing Education – Joli Martini, Bonnie Wallner, Tejal Patel and David Dryden:

Ms. Patel requested to be added to this committee. A motion was made by Ms. Martini, seconded by Ms. Esposito, to add Ms. Tejal Patel to the Continuing Education Committee. The motion unanimously carried.

Consumer Affairs – Ken Sellers and Jay Galloway:

No Report

Professional Liaisons – Kim Robbins and Tejal Patel:

Ms. Robbins and Ms. Patel updated the board on the Delaware Pharmacy Society information and awards presented during its last meeting.

Controlled Substance Liaisons – Kenneth Sellers, Tejal Patel, Jay Galloway and David Dryden:

No Report

COMMITTEE UPDATES REGARDING PROPOSED REGULATIONS

USP 795 & 797 Committee – Sandy Robinson, Tejal Patel, Brenda Pavlic, Hooshang Shanehsaz, Calvin Freedman and David Dryden:

No Report

Pharmacy Technician Licensure Committee – Kim Robbins, Tejal Patel, Kevin Musto, Maryanne Holzapfel, Anne Pyle, Susan Esposito and David Dryden:

No Report. A Pharmacy Technician Meeting will be scheduled immediately following the next scheduled Board of Pharmacy meeting in November. Ms. Jill Spivey from PTCB spoke regarding criminal background checks which will begin to be utilized in 2015 for new certified technicians only.

Collaborative Care Committee – Bonnie Wallner, Cheri Briggs, Cheryl Heiks, Drew Wilson, Deborah Hamilton, Joli Martini, Julie Miro-Wenger, Mark Thompson, Mike Perza, Nick Biasotto, Pooja Dogra, Tejal Patel, Terri Corbo, William Harbester, David Dryden:

No Report

BOARD CORRESPONDENCE

Ms. Mast provided a handout with the board meeting schedule for 2015. Ms. Mast also provided an updated board member listing. Mr. Dryden provided a handout titled “State of Colorado – Legality of Pharmacies Providing Kickbacks to Prescribers in Exchange for Referrals”. Ms. Esposito shared that this article relates to hospitals and other facilities that receive 340b pricing. The board asked that this topic be added to the agenda for the next meeting to be discussed.

EXECUTIVE SECRETARY, INSPECTION & PMP REPORT - David Dryden, Michelle McCreary, Samantha Nettesheim

Ms. McCreary reported that she is currently working on drafting new PIC self-inspection forms for Retail Community and Hospital pharmacies to include updated statutory requirements set in place in 2014. These will be provided to Mr. Dryden for review by late November.

NEWSLETTER UPDATES

Ms. Mast reported that the 3rd quarter newsletter has been submitted to NABP for production and should be released for publication in early November.

OTHER BUSINESS BEFORE THE BOARD

Ms. Mast requested the board to provide clarity on 24 Del. C. 2512(e) regarding the maximum allowable years a pharmacist can be inactive over the lifetime of licensure. Ms. Kelly advised the board that inactive status per the statute states a pharmacist can be on inactive status for no more than four years. She advised that this constitutes the entire licensure period and cannot include multiple four year periods. The board received an additional inactive request from Jalpa Patel-Modi who has already utilized four years inactive status previously. Based on the board attorney’s interpretation of the statute a motion was made by Ms. Esposito, seconded by Mr. Galloway to deny the request to go inactive based on the pharmacists previous inactive status of four years already being utilized. The motion unanimously carried.

PUBLIC COMMENT

None

NEXT SCHEDULED MEETING

The next meeting is scheduled for November 19, 2014 at 9:30 am., Conference Room A 2nd floor.

ADJOURNMENT

There being no other business before the board a motion to adjourn the meeting was made by Ms. Martini, seconded by Ms. Esposito at 11:10 am.

Respectfully submitted,



Christine Mast
Administrative Specialist III